

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
DONNA SOUTTER v. EQUIFAX  
INFORMATION SERVICES, LLC  
Case No.: 3:10cv107**

**NOTICE OF PROPOSED CLASS ACTION**

***IF YOU RESIDED IN VIRGINIA AT ANY  
TIME BETWEEN FEBRUARY 2008 AND  
FEBRUARY 2010 AND WERE SUBJECT TO A  
VIRGINIA CIVIL JUDGMENT THAT WAS  
LATER PAID OFF, DISMISSED, SET ASIDE  
OR APPEALED, BUT WAS STILL  
REPORTED UNPAID IN YOUR CREDIT  
REPORT, THIS CLASS ACTION LAWSUIT  
MAY AFFECT YOUR RIGHTS.***

**IF YOU WOULD LIKE FURTHER  
INFORMATION: PLEASE CONTACT THE  
LAWYERS REPRESENTING YOU AND  
OTHER MEMBERS OF THE CLASS AT ( )**

**BY EMAIL TO [Attorney@clalegal.com](mailto:Attorney@clalegal.com) OR AT  
[Virginia.EquifaxClass.com](http://Virginia.EquifaxClass.com)**

**What Is The Case About?**

Plaintiff Donna Soutter is a consumer who was sued for money and suffered a civil judgment in a Virginia General District Court. That judgment was later set aside and dismissed. However, Equifax, a credit reporting agency, continued to include the judgment as unpaid in her credit reports. Equifax later removed the judgment after the Plaintiff's dispute.

Donna Soutter sued Equifax in Richmond federal court because she believes that Equifax violated a law, the Fair Credit Reporting Act (FCRA). The FCRA required Equifax to "follow reasonable procedures to assure maximum possible accuracy" of every credit report it sells. 15 U.S.C. §1681e(b). Soutter has alleged that Equifax systemically failed to include records that a civil judgment had been paid, dismissed, vacated or appealed in its credit reports and that this violated the FCRA.

**How Does Equifax Answer?**

Equifax denies that it willfully fails to follow reasonable procedures to assure maximum possible accuracy of the credit reports it sells. Equifax also denies that it systematically failed to include public records in its credit reports. Equifax denies that it violated the FCRA and denies that any alleged violation of the FCRA was willful.

**Why Did I Get This Notice Package?**

Virginia Court records show that a civil judgment was entered against you, but was later paid (satisfied), appealed or otherwise vacated and dismissed. Equifax records show that it furnished a credit report about you but did not report that the judgment was paid or terminated. This means that you may be a member of the "Class."

The Court sent you this Notice because you have a right to know that the Court has allowed, or "certified," a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made against Equifax, on your behalf, are correct.

**What is a class action and who is involved?**

In a class action lawsuit, a person who is called a "Class Representative" (in this case Donna Soutter) sues on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." The person who sued—and all the Class Members like her—are called the Plaintiffs. The company they sued (in this case Equifax Information Services, LLC) is called the Defendant. One court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

If you are not sure whether you are included in the Class, you can ask for free help by calling the lawyers representing the class at ( ) - or emailing them at [Attorney@clalegal.com](mailto:Attorney@clalegal.com).

**Has the Court decided who is right?**

The Court hasn't decided whether Equifax or the Plaintiffs are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims at a trial to be held in 2012.

**What are the Plaintiffs asking for?**

The Plaintiffs are asking for statutory damages up to \$1,000 per class member and additional punitive damages in a larger amount under the FCRA. **IN THIS LAWSUIT, THE PLAINTIFF IS NOT ASKING FOR ACTUAL DAMAGES. IF YOU STAY IN THE CASE, YOU WILL NOT BE ABLE TO RECOVER MORE THAN \$1,000 IN STATUTORY DAMAGES, PLUS ANY PUNITIVE DAMAGES THE JURY FINDS OR THE COURT PERMITS.**

**Is there any money available now?**

No money or benefits are available now because the Court has not yet decided whether Equifax did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to ask for a share.

**Am I in the class?**

The Court decided that all consumers for whom Equifax furnished a credit report to a third party who requested it in connection with an application for credit on or after February 17, 2008 to February 17, 2010, other than for an employment purpose, at a time when any Virginia General District Court or Circuit Court judgment that had been satisfied, appealed, or vacated in the court file more than 30 days earlier was reported in Equifax's file as remaining unpaid are members of the Class. If you meet this definition, you are a member of the Class.

#### **What happens if I do nothing at all?**

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing you are staying in the Class. If you stay in and the Plaintiffs obtain money or benefits, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement). Keep in mind that if you do nothing now, regardless of whether the Plaintiffs win or lose the trial, you will not be able to sue, or continue to sue, Equifax—as part of any other lawsuit—about the same legal claims that are the subject of this lawsuit. This means that if you do nothing, you will not be able to sue on your own for the credit reports Equifax furnished between February 17, 2008 and February 17, 2010 that may have contained an inaccurate Virginia judgment record. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

#### **Why would I ask to be excluded?**

If you already have a lawsuit against Equifax for similar claims and want to continue with it, you need to ask to be excluded from the Class. If you believe you sustained and intend to prove in your own individual lawsuit actual damages in excess of \$1,000 as a result of Equifax's actions, you should consider whether you need to be excluded from the Class because this case is limited to seeking only statutory damages of \$100 to \$1,000, as well as punitive damages. If you exclude yourself from the Class — which also means to remove yourself from the Class, and is sometimes called “opting-out” of the Class — you will not get any money or benefits from this lawsuit even if the Plaintiff wins at trial or there is a settlement (that may or may not be reached) between Equifax and the Plaintiff. However, you may then be able to sue or continue to sue Equifax on your own. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action.

#### **How do I exclude myself from the Class?**

To ask to be excluded, you must send an “Exclusion Request” in the form of a letter sent by mail, stating that you want to be excluded from “*Soutter v. Equifax*.” Be sure to include your name and address, and sign the letter. You must mail your Exclusion Request postmarked by \_\_\_\_\_.

\_\_\_\_\_, 2011, to: *Soutter v. Equifax* Exclusions, P.O. Box 0000, City, ST 00000-0000. You may also get an Exclusion Request form at the website, [Virginia.EquifaxClass.com](http://Virginia.EquifaxClass.com).

#### **Do I have a lawyer in the case and should I get my own lawyer?**

The Court decided that Leonard Bennett and Mathew Erausquin of Consumer Litigation Associates, PC of Newport News, Virginia, and Dale Pittman of Dale Pittman, P.L.C., Petersburg, Virginia are qualified to represent you and all Class Members. Together the law firms are called “Class Counsel.” They are experienced in handling similar consumer class cases. More information about these law firms, their practices, and their lawyers' experience is available at [Virginia.EquifaxClass.com](http://Virginia.EquifaxClass.com).

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

#### **How will the lawyers be paid?**

If Class Counsel get money or benefits for the Class, they may ask the Court for fees and expenses. You won't have to pay these fees and expenses. If the Court grants Class Counsels' request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by Equifax.

#### **How and when will the Court decide who is right?**

If the case isn't resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs' claims at a trial. The trial will be held in 2012 in the United States District Court for the Eastern District of Virginia, 701 East Broad Street, Richmond, Virginia. During the trial, a Jury or the Judge will hear all of the evidence to help them reach a decision about whether the Plaintiffs or Defendant are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win, or that they will get any money for the Class.

#### **Do I have to come to the trial? Will I get money after the trial?**

You do not need to attend the trial. Class Counsel will present the case for the Plaintiff and the Class, and Equifax will present its defenses. You or your own lawyer are welcome to attend at your own expense. If at some point the Plaintiff obtains money or benefits as a result of the trial or a settlement, and you did not exclude yourself from the Class, you will be notified about how to participate. We do not know how long this will take.

#### **How do I know if my credit report is now inaccurate?**

You are entitled to one free credit report each year and may request yours at [www.AnnualCreditReport.com](http://www.AnnualCreditReport.com). If you have

further questions after reading the credit report, you may contact the attorneys representing you in this case.

**What if I have questions about the case? Are there more details available?**

You may speak to one of the attorneys representing you by calling (\_\_\_\_) \_\_\_\_ - \_\_\_\_ or by e-mail to:

[Attorney@clalegal.com](mailto:Attorney@clalegal.com). You may also visit the website Virginia.EquifaxClass.com where updates, documents, and other information regarding the case will be available.